

35 USC §112

Claims 40 and 48 have been rejected as being overly broad and not supported by the specification. Applicant traverses these rejections.

Applicant first expresses his puzzlement by the examiner's extensive discussion of claim 1 in his arguments. Claims 1-39 were canceled by applicant in a Preliminary Amendment filed with the application, and, therefore, claim 1 is not pending.

Claim 40 has now been narrowed to provide additional required generic characteristics of the inventive kernel composition, all of which are present on p. 8 of the disclosure. Accordingly, these rejections should be withdrawn.

35 USC 102(b)

Claims 40 and 48 are rejected as not being novel over the Brown 1962 patent reference. Applicant traverses these rejections.

This reference discloses skin treating compositions containing olive oil. The examiner asserts on p.6 of the Detailed Action that "Olive oil is extracted from the entire olive, including the kernel."

With all due respect, the examiner is mistaken on two counts: (1) the reference does not mention olive kernels; and (2) it is well known that olive oil comes from the flesh of the olive, and not from the kernel. In fact, it is well known that producers of olive oil go to great lengths to avoid crushing the kernel, as doing so will impart a bitter taste to the oil. This point is made in amended claim 40 and in claim 41, as well as in the specification, that the source of the olive oil (flesh) is removed from the kernel prior to further processing.

In this connection, the examiner is referred to the state-of-the-art reference "All About Oils", Ask Dr. Sears.com (copy enclosed). On p. 5 it is stated " Olive oil is made from the flesh of olives rather than the seeds." (Seeds are, of course, another name for kernels.) Also stated is "Olive oil....is the only oil that can be obtained directly from the flesh and not the seed."

Further, prior to applicant's discovery, the only known use for the kernel by-product of olive oil production are its use as a fuel for energy production.

Taken together, the above-stated facts make it clear that the Brown reference does not read on the claims. Accordingly, these rejections should be withdrawn.

The examiner is respectfully urged to pass this application to allowance and issue.

Respectfully submitted,

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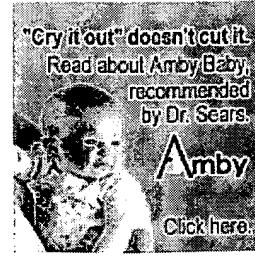
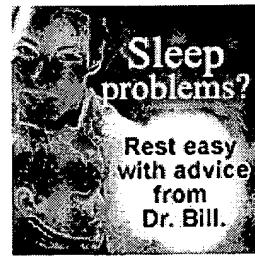
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- Breastfeeding
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- Discipline & Behavior
- Fussy Babies
- Sleep Problems
- Childhood Illnesses
- Medicine Cabinet
- A to Z Index

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ALL ABOUT OILS

4 Top Tips in Choosing and Using Oils

Ranking Oils: From Best to Worst

Oil Basics

About these Oils:

Flax seeds and flax oil

Canola Oil

Olive Oil

Soybean Oil

Pumpkin Seed Oil

Algae Oil

Walnut Oil

Black Currant Oil

Borage Oil

Evening Primrose Oil

Sunflower Oil

Safflower Oil

Corn Oil

Peanut Oil

Cottonseed Oil

Tropical Oils

Mineral Oil

4 TOP TIPS IN CHOOSING AND USING OILS

1. COOKING WITH OILS

Cooking at high temperatures can damage oils. The more omega 3 fatty acids in the oil, the less suitable it is for cooking. The heat not only damages the fatty acids, it can also change them into harmful substances. Hydrogenated oils are often used for cooking. Because these oils have already been "damaged" by chemical processing, they are less likely to be further damaged by heat. The oils that are higher in saturated fats or monounsaturates are the most stable when heated. These include peanut oil and olive oil. The more fragile oils are best used at room temperature, like salad dressings. To preserve the nutritious properties and the flavor of unrefined oils, try the "wet-sauté" technique that is practiced by gourmet chefs. Pour around one-fourth of a cup of water in the stirfry pan and heat just below boiling. Then add

CANOLA OIL

This oil originated in Canada and has became known as the Canadia oil, or canola. Canola oil is second only to flaxseed oil as the highest vegetable source of the essential omega-3 fatty acids. Like flax oil, it contains both omega-3 and omega-6 fatty acids, but in a different ratio. Canola oil contains an omega-6 to omega-3 ratio of 2:1. Flax oil is 0.1. Because it contains one of the highest ratios of unsaturated to saturated fats, it is one of the most heart-healthy oils, reported to reduce cholesterol levels, lower serum triglyceride levels, and keep platelets from sticking together. Because of the high omega-3 content, heating canola oil above 120° may change some of the fatty acids into trans fats, which raise total cholesterol and lower the levels of good cholesterol. Be sure to buy organic canola oil, since the rapeseeds are often sprayed with pesticides.

OLIVE OIL

Olive oil is made from the flesh of olives rather than the seeds. This means it requires less pressure and lower temperatures during the pressing process, which preserves the nutritional qualities of the oil. Olive oil contains 90 percent unsaturated fats, most of which are the cholesterol-lowering monounsaturates. Olive oil, which by its very nature doesn't need to be processed, is the only oil that can be obtained directly from the flesh of the vegetable and not the seed. This makes olive oil a good choice for your heart. Because it is high in oleic acid and low in linoleic fatty acid, it is slow to spoil. It has a pleasant flavor and can be used both in salad dressings and in cooking. Olive oil is a favorite in Mediterranean cuisine, since olive groves and olive presses are plentiful in that part of the world. Its only drawback is that it contains little omega 3 or omega 6 essential fatty acids. "Virgin" olive oil means that the oil is from the first pressing and has not been refined or chemically processed in any way, such as being bleached or hydrogenated. "Extra virgin" is the highest quality olive oil (for which you pay a slightly higher price). It has a richer, less acidic taste. High temperature cooking destroys the flavor of olive oil, but it is excellent for dressings and the "wet-sauté" method. Avoid olive oil that does not say "virgin" or "extra virgin" on the label, but instead boasts of being "refined" or "pure." "Refined" means that the oil has been chemically processed. "Pure" means nothing more than the oil came from an olive tree. Even though olive oil is slow to spoil, store it in a cool, dark place in a cupboard. Olive oil is medium in omega 6, but low in omega 3 fatty acids. A combination of flax oil and olive oil in the diet strikes a healthy balance.

SOYBEAN OIL

Soybean oil is extracted from beans, not seeds. Unrefined soybean oil is one of the richest sources of lecithin (2 percent) and also contains 5 percent of the omega 3 linolenic acid (LNA), in addition to being high